



OPP General Notes – July 1, 2019

1. **Chlorpyrifos** – Prior to the OPP General, the OCSPP IO, OPP IO and OGC met to discuss comments from Alex and OGC on the draft response to the objections of a group of petitioners who want EPA to revoke all food tolerances for chlorpyrifos based on possible impacts on neurodevelopment. The 9th Circuit ordered the agency to respond to the objections by July 18. Following the General, Rick provided OPP's responses to Alex's questions to the OCSPP IO and OGC and said he would follow-up on Nancy's issues/comments.
2. **AEZ Rule** – Rick noted that Angela Hoffman (Regulatory and Information Coordination Office) had recently sent to the OCSPP IO the revised, draft AEZ Notice of Proposed Rule Making and analysis for review and sign-off before sending them to the Office of Policy for subsequent review with OMB before starting the FIFRA review process.
3. **25(b) and Chitosan** – Alex was on travel last week and was unable attend the General, so Rick repeated what he had raised to Charlotte regarding the issue with 25(b) and Chitosan. He mentioned the meeting Alex held earlier this year with representatives from Tidal Vision, an Alaskan company seeking to add chitosan to the minimum risk pesticide list and the companion list of low risk inert ingredients. Alex had subsequently asked OPP to develop a set of options for processing the petition and some of the broader minimum risk program issues. Rick said the team developed the following potential options for a path forward:
 - **Option 1:** process the Chitosan petition only without considering any other issues such as developing a listing and de-listing process, which would bring clarity to the process for listing or de-listing substances on the minimum risk list. This proposal does not consider state, industry, or EPA concerns about the minimum risk program.

- **Option 2:** process the Chitosan petition and concurrently publish an ANPRM which proposes a process for listing and de-listing substances on the minimum risk list. This proposal does not consider state and EPA compliance enforcement concerns about the minimum risk program. The proposal does not address the lack of standardization of multistate rules for industry.
- **Option 3:** initiate a rulemaking to address a process for listing and de-listing minimum risk substances, proposes solutions to the public health and enforcement concerns raised by the states and EPA and provides more guidance on labeling concerns. This option assumes the Agency decision on the Chitosan petition (or other petitions that might be submitted in the interim) would be deferred until after the new proposal is published. This proposal potentially could address issues raised by states, industry, and EPA about the minimum risk program.

Alex concurred on Option 2.

4. **Oxitec Mosquito** – Rick gave a status update on Intrexon’s resubmitted application for an experimental use permit to test the Oxitec genetic mosquito in Florida and Texas for commercial use. OPP conducted the preliminary technical screening of the application and found data deficiencies. The team notified Intrexon of the deficiencies, and they agreed to provide the necessary data to complete the application. Rick said he wanted to inform Alex of the status in case the company contacts her to request a meeting to discuss their application.

5. **Other Business**

Alex reported on the following:

- **Texas Field Tour** - Last week Alex participated in the Texas field tour and met with the National Cotton Council, Texas Commission on Environmental Quality and the Agriculture Commissioner. She also met with cattlemen in favor of using Invora on rangeland and pastures (this group also met with Texas Congressman, Mike Conaway on the issue). Bayer submitted an application for the proposed new use of Invora on rangeland and pastures. The product contains aminocyclopyrachlor and triclopyr. The due date for a regulatory decision is September 3, 2019. Currently, Oregon and Washington State are developing state proposals to ban use of products with this chemical due to extensive damage to old growth pine trees along roadways. Bayer and the cattlemen plan to provide data and a sustainability plan to support use of Invora

on rangelands and pastures and would like to schedule a 2-day workshop at EPA PYS. Alex is amenable to EPA meeting with the group. Rick said the team can brief Alex on the Invora risk assessment around the end of July.

In addition, during the field tour, Alex said the use of Warfarin-based Feral Hog Bait was raised repeatedly. Alex asked if OPP could reach out to the Texas Dept. of Ag on the matter and Rick agreed.

Alex said Atrazine use on sorghum was also raised during the tour. Rick said OPP has asked the Triazine Network to provide documentation of the use benefits. BEAD will be conducting a benefits assessment as part of the atrazine registration review. Alex said the group she met with said the benefits outweigh economic risks. Alex will provide her notes from the meeting.

- **Weekly Meeting with the Administrator** – During her weekly meeting with the Administrator, Alex reported on OPP's upcoming announcement to add new uses and restore previously-registered uses for sulfoxaflor. She also mentioned her upcoming trip to Hanoi, Vietnam with Rick, Monique Perrin and USDA's Foreign Agriculture Service officials to meet with Vietnam government officials to discuss the U.S. pesticide regulatory process, the international impact of EPA's work and Vietnam's recent ban of glyphosate.

Waiting for OCSPP IO Feedback:

- Decision on Chestnut Status (Follow-up to 2/12 briefing; to be made after 4/5 meeting with registrant); awaiting OGC analysis
- Synexis/Device Determination (Follow-up to 2/12 briefing)—OPP adding to options paper (sent 3-18); impact to program paper (sent 6/10)
- Kaolin Strategy (Sent 3/29; responds to 3/11 questions from the OCSPP-IO)
- Chlorpyrifos Draft Response to the Objections (sent 6/5, 6/20 and 6/23)
- Q&As regarding the Certification Rule (sent 6/10)
- Certification Rule Desk Statement on State Penalty Authority and QAs (sent 6/23)
- Biotech rulemaking schedule (sent 6/21)
- Draft GTA Memo (sent 6/28)

OPP to Send to IO

- Chlorpyrifos: Comments on Meeting Summaries
- ESA: Implementation Status of Salmon BiOps
- Major regulatory decision forecast (to be provided each month)

- Ingredient Disclosure draft memo (expect to provide draft in mid-July)
- Paraquat Systematic Literature Review - for OCSPP-IO review (sent 5/20)
- 24(c) process improvements paper (expect to provide draft in mid-July)

Upcoming Briefings/Separate Meetings for the OCSPP-IO

- Spanish labeling (scheduled 7/9)

Priority Briefings:

Other Briefings:

- Relativity Training (FOIA) (request sent to IO 3/7)
- UAVs
- Invora registration application for pastureland (to be scheduled)
- ATP (to be scheduled)